

1969 Senate Bill 370

Date published:
December 11, 1969

CHAPTER 264, LAWS OF 1969

AN ACT to amend 118.20 (1); to repeal and recreate 118.20 (2); and to create 118.20 (3) to (7) of the statutes, relating to discrimination in the hiring and assignment of teachers and the power of the state superintendent of public instruction with respect to such discrimination and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 118.20 (1) of the statutes is amended to read:

118.20 (1) No discrimination because of race, nationality or political or religious affiliation may be practiced in the employment of teachers in public schools or in the assignment or reassignment of teachers to particular school buildings within a school district. ~~and~~ No questions of any nature or form relative to race, nationality or political or religious affiliation may be asked applicants for teaching positions in the public schools either by public school officials or employes or by teachers agencies or placement bureaus.

SECTION 2. 118.20 (2) of the statutes is repealed and recreated to read:

118.20 (2) The state superintendent or his designee may receive and investigate complaints charging discrimination in employment, assignment or reassignment of teachers in the public schools and the superintendent

or his designee may hold hearings, subpoena witnesses and take testimony to effectuate the purposes of this section.

SECTION 3. 118.20 (3) to (7) of the statutes are created to read:

118.20 (3) If the superintendent finds probable cause to believe that any discrimination prohibited by this section has been or is being practiced, he shall immediately endeavor to eliminate the practice by conference, conciliation or persuasion. In case of failure to eliminate the discrimination, the superintendent shall issue and serve a written notice of hearing, specifying the nature of the discrimination which appears to have been committed, and requiring the public school official, employe, teacher agency or placement bureau named, hereinafter called the "respondent" to answer the complaint at a hearing before the superintendent. The notice shall specify a time of hearing not less than 10 days after service of the complaint, and a place of hearing within the county in which the discrimination is alleged to have occurred.

(4) After hearing, if the superintendent finds that the respondent has engaged in discrimination prohibited by this section the superintendent shall make written findings and recommend such action by the respondent as shall satisfy the purposes of this section and shall serve a certified copy of the findings and recommendations on the respondent together with an order requiring the respondent to comply with the recommendations. Any person aggrieved by noncompliance with the order shall be entitled to have the order enforced specifically by suit in equity. If the superintendent finds that the respondent has not engaged in the alleged discrimination, he shall serve a certified copy of his findings on the complainant together with an order dismissing the complaint.

(5) If any public school official, employe, teachers agency or placement bureau violates sub. (1) or fails or refuses to obey any lawful order made by the superintendent pursuant to this section, such person shall forfeit and pay into the state treasury not less than \$25 nor more than \$50, or be imprisoned not less than 5 nor more than 30 days. Such violation or failure or refusal to obey an order shall be grounds for the removal of any school district administrator, member of a school board or other public school official. Findings and orders of the superintendent under this section shall be subject to judicial review under ch. 227.

(6) Upon request of the superintendent, the attorney general or district attorney of the county in which any investigation, hearing or trial under this section is pending, shall aid and prosecute under supervision of the superintendent, all necessary actions or proceedings for the enforcement of this section and for the punishment of all violations thereof.

(7) In administering this section the superintendent shall have authority to make, amend and rescind rules necessary to carry out the purposes of this section.

Approved November 25, 1969.
